

C. **"ALTERATION."** An exterior change or modification. For the purposes of this chapter, an include, but not be limited to, exterior changes to or modification of a structure, including the architectural details or visual characteristics such as paint color and surface texture, grading, surface paving, new structures, a structural addition, cutting or removal of trees and other natural features, disturbance of archaeological sites or areas, and the placement or removal of any exterior objects such as signs, plaques, light fixtures, street furniture, walls, fences, steps, plantings and landscape accessories affecting the exterior visual qualities of the property.

D. **"ARCHAEOLOGICAL."** Pertaining to the scientific study of the life and culture of earlier peoples by excavation of sites and relics.

E. **"ARCHITECTURAL."** Pertaining to the science, art or profession of designing and constructing buildings.

F. **"CEQA."** The "California Environmental Quality Act" as codified at state Public Resources Code §§ 21000 et seq. and the approved Administrative Guidelines related thereto as established in the California Code of Regulation, Title 14, Chapter 3, §§ 15000-15387.

G. **"COMMISSION."** Historic Landmarks Commission established by City Charter.

H. **"COUNTY ASSESSOR."** The Tax Assessor of the County of Santa Barbara.

I. **"CULTURAL."** Pertaining to the concepts, habits, skills, arts, instruments, institutions, etc. of a given people in a given period.

J. **"DEMOLITION."** The permanent removal from a structure of either a significant component or a character defining element, as may be determined by the Historic Landmarks Commission or where appropriate, by the Community Development Director. Demolition shall include, but not be limited to, the act of pulling down, destroying, removing, relocating or razing a structure or commencing the work thereof with the intent of completing the same.

K. **"ELEVATIONS."** The flat scale orthographic projected drawings of all exterior vertical surfaces of a building.

L. **"FAÇADE."** The front of a building or the part of a building facing a street, courtyard, etc.

M. **"HISTORIC RESOURCE."** A City designated "Landmark" or a City designated "Structure of Merit."

N. **"HISTORIC RESOURCE SURVEY."** A field investigation of structures, sites, or natural features within a certain designated area or neighborhood of the City made by the City for the purpose of identifying potential City Historic Resources.

O. **"LANDMARK."** A structure, natural feature, site or area having historic, architectural, archaeological, cultural or aesthetic significance and designated as a landmark under the provisions of this chapter.

P. **"LANDMARK DISTRICT."** An area of the City of Santa Barbara containing a number of structures, natural features or sites having historic, architectural, archaeological, cultural or aesthetic significance and designated as a landmark district under the provisions of this Chapter.

Q. **"MEMBER."** A member of the Historic Landmarks Commission of the City of Santa Barbara appointed under the provisions of the City Charter.

R. **"NATURAL FEATURE."** A tree, plant life or geological or other distinctive physical characteristic or natural feature or element present on the real property.

S. **"NEIGHBORHOOD."** An area of the City of Santa Barbara designated as such in the City's General Plan.

T. **"OWNER."** A person, association, partnership, firm, corporation or public entity appearing as the holder of legal title to any property on the last assessment roll of the County Assessor.

U. **"POTENTIAL HISTORIC RESOURCES LIST."** A list consisting of those structures, real property sites, or real property natural features which have been identified by the Historic Landmarks Commission as being a potentially significant historic resource as such identification process is provided for in Section 22.22.030 hereof.

V. **"PRESERVATION EASEMENT."** An interest held by the public in any structure, natural feature, site or area not owned by the public and restricting its use, alteration, relocation or demolition for the purpose of preservation.

W. **"SITE PLAN."** A flat scale drawing of the place where something is, is to be, or was located.

X. **"STRUCTURE."** A building or any other man-made object affixed on or under the ground.

Y. **"STRUCTURE OF MERIT."** A structure not designated as a landmark but deserving official recognition as having historic, architectural, archaeological, cultural or aesthetic significance and designated as a Structure of Merit under the provisions of this Chapter. (Ord. 5333, 2004; Ord. 4848, 1994; Ord. 3904 §8, 1977; Ord. 3900 §1, 1977.)

#### **22.22.030 The Preparation and Use of Historic Resource Surveys; Identification of Potential Historic Resources for Possible Designation as a City Landmark or a Structure of Merit.**

A. **POTENTIAL HISTORIC RESOURCES LIST.** The Historic Landmarks Commission, acting with the administrative support of Community Development Department staff, shall periodically review, amend, and maintain a master list of potential Historic Resources within the City (The City's "Potential Historic Resources List") as part of the certified Master Environmental Assessment Guidelines for Archaeological Resources and Historic Structures and Sites (hereinafter the "MEA Historic Resources Guidelines") as such Guidelines are defined and provided for in CEQA Guideline Section 15169.

## **B. SURVEYS AND IDENTIFICATION OF POTENTIAL HISTORIC RESOURCES.**

1. **Use of Historic Resource Surveys.** The Community Development Director shall prepare, administer, and implement regulations for undertaking and completing Historic Resource Surveys within certain designated areas and neighborhoods of the City of Santa Barbara on a regularly scheduled basis for the purposes of identifying possible Historic Resources pursuant to the mandate of Subsection (A) above for the listing of such resources on the Potential Historic Resources List. Such Historic Resource Surveys shall be conducted in a manner consistent with the requirements of the City's MEA Historic Resources Guidelines and with appropriate survey regulations as approved by resolution of the City Council. The Historic Resource Surveys shall also be undertaken in accordance with locational priorities established by the Commission for certain areas and neighborhoods of the City, subject only to the necessary direction and budgetary approval of the City Council.

2. **Initial Survey Study Area Designation.** The area of the City shown on the "2004 Demolition Review/Historic Resources Survey Study Area" as shown on the map denominated the "2004 Demolition Review/Historic Resources Survey Study Area," attached hereto as a Chapter exhibit (dated as of the effective date of the ordinance approving this amendment), shall be the first area of the City designated for neighborhood Historic Resource Surveys pursuant to the requirements of Subsection (B)(1) above.

3. **Administrative Review of Existing Potential Historic Resources List.** Upon the adoption of the ordinance making this amendment to Chapter 22.22, the Community Development Director, acting through the City's Urban Historian or other appropriate designated staff, is hereby directed to undertake an administrative review of each of the properties, buildings, structures, and real property features which were heretofore listed on the City's Potential Historic Resources List, as such List was attached as an appendix to the City's Master Environmental Assessment Historic Resources Guidelines as approved by action of the City Council in January 2002. This administrative review shall be completed within two (2) years of the adoption of the ordinance amending this Chapter and shall, within one hundred twenty (120) days of its completion, result in the submission to the HLC of a proposed revised Potential Historic Resources List consistent with the provisions of this Chapter for consideration and appropriate revisions, and its approval by the HLC at a noticed public hearing conducted in accordance with the processes set forth in subsection (E) and subsection (F) hereof.

C. **IDENTIFICATION OF POTENTIAL RESOURCES BY COMMISSION MEMBERS.** In addition to the identification of potential Historic Resources through the use of Historic Resource Surveys pursuant to subsection (B) above, a member of the Commission may identify a structure, a real property site, or a natural feature which, in the Commissioner's opinion, may qualify for possible inclusion on the City's Potential Historic Resources List. Any such identification may be made by the filing of a written request for the listing of the structure, site, or natural feature as a Potential City Historic Resource pursuant to the provisions of this Section. Such written request shall state in detail the reasons the Commissioner believes that such a listing is appropriate and shall be made in accordance with the criteria for listing as a Potential Historic Resource established in the MEA Historic Resources Guidelines.

## **D. LISTING OF STRUCTURES, SITES, AND NATURAL FEATURES ON THE CITY'S POTENTIAL HISTORIC RESOURCES LIST.**

1. **Use of Survey Identifications.** Those structures, real property sites, or natural features identified through the survey process established by Subsection (B) hereof as having potential for designation as a City Historic Resource shall be considered and acted upon by the Commission for official listing on the City's Potential Historic Resources List at a noticed hearing conducted in accordance with subsection (E) below held not more than one year after the identification of the structure, real property site, or feature through the completion of the Survey process for that area of the City.

Pending a hearing on possible listing initiated pursuant to this subsection (D), the Community Development staff may arrange for the preparation of an expert Historic Structure/Site Report regarding the possible Historic Resource significance of the structure, site, or feature. Such report shall be prepared in accordance with the requirements of the MEA Historic Resources Guidelines.

The failure of the Commission to list an identified structure, site or feature within the one year time frame required by this subsection shall constitute a determination by the Commission that the structure, site, or feature is not appropriate for listing on the City's Potential Historic Resources List, unless a delay beyond one year is at the specific written request of the owner of the real property being considered for listing.

2. **Commissioner Historic Resource Identification Requests.** Those structures, real property sites, or natural features identified as a result of a Commissioner request as having a potential for designation as City Historic Resources pursuant to Subsection (C) above shall be considered and acted upon by the Commission for listing on the Potential Historic Resources List at a noticed hearing conducted in accordance with subsection (E) below held not more than one hundred twenty (120) days after the date of the filing with the Community Development Director of the written request by a Commissioner pursuant to subsection (C) hereof. Pending a hearing on a possible listing initiated pursuant to this subsection, the Community Development staff may request the preparation of a report prepared by the City's Urban Historian regarding the possible Historic Resource significance of the site, structure, or feature.

The failure of the Commission to list a structure, site, or feature identified by a Commissioner as having a potential for designation within the one hundred twenty (120) day time frame required by this subsection shall constitute a determination by the Commission that the structure, site, or feature is not appropriate for listing on the City's Potential Historic Resources List unless a delay beyond one hundred twenty (120) days is at the specific written request of the owner of the real property being considered for listing.

3. **Use of Historic Structure/Site Report Obtained in Connection with HLC Review.** Those structures, real property sites, or natural features identified as a result of a Historic Structure/Site Report obtained either in connection with HLC review occurring pursuant to the landmark district requirements of Section 22.22.130 or Section 22.22.140 (or obtained in connection with environmental review of a proposed new development conducted in accordance with the requirements of the City MEA Historic Resource Guidelines) as having the potential for designation as City Historic Resources shall be considered and acted upon by the Commission for listing on the Potential Historic Resources List. Such consideration shall occur at a Commission hearing held concurrent and in accordance with the landmark district hearing process required by Section 22.22.130 or concurrent with HLC final comment review of the submitted Historic Structure/Site Report scheduled in accordance with the process established for such HLC comments in the MEA, as the case may be.

E. **PUBLIC HEARING PROCESS FOR POSSIBLE LISTING.** Prior to conducting the noticed hearing required by subsection (D)(1) or (D)(2) above for the listing of an identified structure, site, or natural feature, the owner(s) of the real property upon which the structure or feature is located (as such ownership is listed on the last equalized County of Santa Barbara Tax Assessment Roll) shall be provided with written notice of the Commission's hearing by depositing a notice thereof in the regular United States Mail not less than sixty (60) days prior to the scheduled hearing date, unless the owner consents in writing to a lesser period of time. Such notice shall, at a minimum, contain the notice information required by state Government Code Section 65094, [as currently enacted or hereinafter amended].

At the Commission hearing to consider the listing, the property owner [or owner's representative] and City staff shall be entitled to present any relevant evidence, both oral and written, to establish whether the structure, site or natural feature has appropriate potential for designation as a City Historic Resource.

F. **APPEAL OF LISTING DETERMINATION TO THE CITY COUNCIL.** A decision by the Commission to list a structure, site, or feature on the City's Potential Historic Resources List may be appealed to the City Council in accordance with the appeal procedures established in Santa Barbara Municipal Code Chapter 1.30.

G. **ADMINISTRATIVE REGULATIONS RELATING TO THE PRESERVATION OF CITY HISTORIC RESOURCES.** The City Community Development Director shall prepare administrative regulations relating to the proper completion of Historic Surveys, the method of listing of Potentially Historic Resources and the appropriate process for evaluating measures intended to protect and preserve identified potentially Historic Resources, and such administrative regulations shall be approved by a resolution of the City Council adopted concurrently with the ordinance effectuating this amendment to Santa Barbara Municipal Code Chapter 22.22. (Ord. 5333, 2004.)

#### **22.22.035 Demolition Applications Within a Survey Area.**

A. **PROPOSED DEMOLITION OF AN OLDER UNSURVEYED STRUCTURE, FEATURE OR SITE.** An application for a building permit to alter a structure, site, or natural feature within the area denominated as the "2004 Demolition Review/Historic Resources Survey Study Area" (or within any other survey area which may subsequently be established by the City Council pursuant to this Chapter) shall be referred to the Community Development Director for a determination of whether the structure, site, or feature may have potential as a City Historic Resource in accordance with the criteria established in this Chapter and for a determination of whether the alteration work proposed in the permit application could constitute a "demolition" as that term is defined by this Chapter.

B. **ADMINISTRATIVE RESOURCE EVALUATIONS.** If, under Section (A) above, the site, structure, or feature proposed for demolition (as determined by the Community Development Director in accordance with definition in this Chapter) has not yet been surveyed and it is determined, through the use of City records, that the structure or feature is in excess of fifty years of age, the Community Development Director shall request that an administrative historic resource evaluation be prepared by the City Urban Historian (or other appropriate City staff person designated by the Director). This evaluation shall be for the purposes of assessing the potential historic resource significance of the structure, site, or feature prior to its demolition. In addition, the purpose of the administrative historic resource evaluation shall be to determine whether it is appropriate to obtain an Historic Structure/Site Report in order to assist the Commission in determining whether the structure, site, or feature should be considered by the Commission for designation as a City Historic Resource pursuant to this Chapter.

#### **C. COMPLETION OF THE ADMINISTRATIVE EVALUATION - ACTION ON EVALUATIONS.**

1. **Timeframe for Administrative Evaluation - Failure to Complete.** The administrative Historic Resource evaluation required by Subsection (B) above shall be completed within thirty (30) calendar days of the date of an applicant's request for a permit to demolish a structure or natural feature or site within a survey area. Absent the written consent of the property owner, the failure to complete such an administrative evaluation within the required thirty (30) day period shall be deemed a determination that the structure, feature, or site has no potential as a City Historic Resource, and thereafter, the City shall issue the requested demolition permit on a ministerial basis, provided that the applicant/owner has otherwise complied with applicable City building/demolition permit submittal requirements for such a demolition.

2. **Determination of No Potential Historic Significance.** If the administrative Historic Resource evaluation determines in a timely fashion under this Section that the structure, feature, or site has no significant potential as an Historic Resource, the City shall issue the requested demolition permit on a ministerial basis, provided